

Appl. No. 09/700,585
Amdt. Dated October 26, 2004
Reply to Office action of September 18, 2004
Attorney Docket No. P09430-US1
EUS/J/P/04-3259

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended Claims 1, 3-7 and 9. Applicant respectfully submits no new matter has been added. Claims 1-9 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

The Applicant appreciates the Examiner's response in the Detailed Action regarding the limitation "partial" CDR and the phrase "or in direct response to receipt of a call answer message". The Applicant has amended the claims to distinguish CDR as described by the specification. Support for the amendments may be found in the description of Figure 2. Also, the claims have been amended to properly incorporate the "direct response" phrase".

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1, 4-7 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rainey et al (US 6,205,210 B1) (hereinafter Rainey) in view of Buscher et al (US 5,506,893) (hereinafter Buscher). The Applicant respectfully traverses the rejection.

The Rainey reference appears to disclose automatic message accounting that stores actual call routing set-up at the time of a call being answered by a called subscriber station. The set-up is packaged in a data field of a message that is then sent upstream through the actual call routes. However, Rainey does not send a Call Data Record to the exchange of the network prior to receiving a call answer message, as claimed in claims 1, 6 and 9 of the Applicant's Invention.

The Buscher reference is cited to supply the missing element of outputting a Call Data Record (CDR) to a data storage system (billing system). Buscher seems to disclose delivering a CDR to a customer in real time during progression of the call and/or immediately after the call has been terminated. (Abstract) However, Buscher discloses that "delivering a call record in real time" means that a call record is delivered

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to the pertinent customer immediately after the call has been terminated. (Col. 3, lines 30-38).

The present invention, as described by claim 1, discloses receiving caller identity information at an MSC during call setup. The MSC temporarily stores the information and sends an incoming call alert message to the called device. If the MSC receives a call answer message, at least the received and stored caller identity information is output from the MSC to the data storage system. (Abstract). A partial Call Data Record "containing less call information than a normal Call Data Record" is sent to the data storage system prior to receipt of a call answer message, or prior to actual confirmation of a call connection. This makes possible, for example, real-time billing and fraud detection prior to or during a call.

In contrast to the present invention, neither Rainey nor Buscher suggest sending a partial CDR to the data storage system prior to receiving a call answer message, as in the present invention (Page 8, Lines 19-26). In fact the Buscher reference teaches away from sending a partial CDR to the data storage system prior to receiving a call answer message (Col. 4, Lines 6-12). The Applicants respectfully assert that amended claim 1 is patentable over Rainey and Buscher and a combination of Rainey and Buscher. This being the case, amended independent claims 6 and 9, which contain limitations analogous to those limitations in claim 1 are also patentable over the Rainey and Buscher references. Furthermore, dependent claims 4, 5 and 7, which contain the same novel limitations found in their respective independent claims are also patentable over the Rainey and Buscher references and a combination of these references. Therefore, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 2 and 8 are rejected under U.S.C § 103(a) as being unpatentable over Rainey in view of Buscher and further in view of Amin et al. (US 6,373,931 B1) (hereinafter, Amin). The Applicants respectfully traverse the rejection.

The Amin reference appears to disclose providing a wireless (cellular telephone) subscriber with the capability of changing the assignment of the party that pays for a

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call. Amin was cited for teaching a cellular network with billing features. It is respectfully submitted that Amin does not address the above-identified deficiencies of Rainey and Buscher with respect to the Applicants' invention. The combination of the Rainey, Buscher and Amin references fails to teach or suggest sending a partial CDR prior to receiving a call answer message. The allowance of claims 2 and 8 is respectfully requested.

Claim 3 is rejected under 35. U.S.C § 103(a) as being unpatentable over Rainey in view of Buscher and Amin and further in view of Plush et al. (US 6,173,171 B1) (hereinafter, Plush). The Applicants respectfully traverse the rejection.

The Plush reference seems to disclose a billing method and apparatus for a cellular system, which includes a GSM network. In particular, the GSM network with the MSC is suggested as the elements missing from the other references and the MSC is from which the CDR is output. However, Plush does not teach or suggest the element missing from Rainey, Buscher and Amin, which is that of sending a partial CDR prior to receiving a call answer message. Therefore, the present invention is patentable over the art of record for at least the reasons provided above with respect to claim 3. In addition, Applicant submits that there is no suggestion or motivation in Rainey, Buscher, Amin or Plush to combine the references to teach the claimed invention. The allowance of claim 3 is respectfully requested.

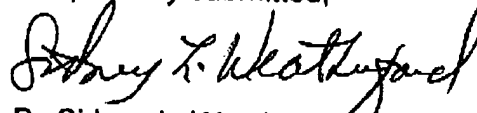
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CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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